



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,093	03/19/2004	Shigeru Maruyama	043034-0182	7905
22428 7590 01/28/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
JACKSON, JAKIEDA R				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
01/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,093

Applicant(s)

MARUYAMA, SHIGERU

Examiner

JAKIEDA R. JACKSON

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Appeal Brief

1. In response to the Office Action mailed July 2, 2008, Applicants filed an Appeal Brief filed on November 4, 2008. After reviewing the remarks, Applicant's arguments were persuasive. Prosecution will be reopened based on new grounds of rejections and the Office regrets any inconvenience.

Response to Arguments

2. Applicant argues that the prior art cited does not teach wherein, when a telephone dialing request operation occurs, the controller searches the database for address information related to a telephone number corresponding to the telephone dialing request operation and, when the password check flag accompanying the address information found indicates that password check is needed, starts an unauthorized use preventing operation to prevent voice communication to be made to the telephone number corresponding to the telephone dialing request operation. Applicant's arguments are persuasive, but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 8-12 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pathuel (EP 1176493 A2) in view of McKeeth (USPN 6,411,693).

Regarding **claims 1, 8-9 and 14**, Pathuel discloses an unauthorized use prevention apparatus, method and program, hereinafter referenced as an apparatus included in an information processing device, comprising:

a speech feature memory storing identifying speech feature data previously obtained from voice of an authorized user (recording the orally reproduction of the sequence; abstract with column 2, paragraph 0011 and columns 8-9, paragraph 0061-0065);

a password generator for generating a password which is a string of arbitrary characters (generating a sequence of recognizable codes; abstract with column 2, paragraph 0011 and column 3, paragraph 0020 and column 5, paragraph 0034-0036 with column 7, paragraph 0050 and columns 8-9, paragraph 0061-0065);

a password notifying section for notifying a present user of the generated password (provided with a code; column 2, paragraph 0012 and columns 8-9, paragraph 0061-0065);

a speech feature extractor for extracting speech feature data from voice of the present user to produce input speech feature data (prompting the user to orally generate; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065);

a speech feature comparator for comparing the input speech feature data to the identifying speech feature data to produce a speech feature comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065);

a password comparator for comparing an input password obtained from the voice of the present user to the generated password to produce a password comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065); and

a controller for determining whether to inhibit the use of the information processing device, depending on the speech feature comparison result and the password comparison result (performing a speech and speaker analysis; abstract with column 2, paragraph 0011 and column 3, paragraph 0022 with column 5, paragraph 0034-0036 and columns 8-9, paragraph 0061-0065), but does not specifically teach a telephone dialing operation and a password check only when needed.

McKeeth discloses an apparatus comprising:

a database storing a plurality of entries (telephone numbers), each of which includes address information accompanied with password check flag (ignore list; column 7, lines 3-18),

wherein the information processing device is included in a communication device capable of voice communication (telephone service is capable of voice communication ; column 5, lines 40-50); and

wherein, when a first and second telephone dialing request operation occurs (dial a specific telephone number), the controller searches the database for address information related to a telephone number corresponding to the telephone dialing request operation (searches the ignore list) and, when the password check flag accompanying the address information found indicates that password check is needed (not on the ignore list), starts an unauthorized use preventing operation to prevent voice communication to be made to the telephone number corresponding to the telephone dialing request operation (authorization password), column 7, lines 3-18), to prevent unauthorized telephone services to be used.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Pathuel's method as described above, to avoid unintended telecommunications (column 1, lines 6-8) and to designate a number of approved telephone to be placed preventing unauthorized use (column 2, lines 51-67), as taught by McKeeth.

Regarding **claims 2, 10 and 15**, Pathuel discloses an apparatus wherein the generated password is renewed each time the information processing device is put to use (generated immediately after request; column 2, paragraph 0014 and column 3, paragraph 0023).

Regarding **claims 3 and 11**, Pathuel discloses an apparatus wherein the password notifying section comprises a display section for displaying the generated password on screen so as to prompt the present user to sound out the generated

Art Unit: 2626

password (prompting the user to orally generate; abstract and column 3, paragraph 0020 with column 5, paragraph 0034-0036).

Regarding **claims 4 and 12**, Pathuel discloses an apparatus wherein the password notifying section comprises a speech processor for sounding out the generated password through a speaker so as to prompt the present user to sound out the generated password (prompting the user to orally generate; abstract and column 3, paragraph 0020 with column 5, paragraph 0034-0036).

5. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pathuel in view of McKeeth and in further view of Hongwei (USPN 6,904,526).

Regarding **claim 6**, Pathuel in view of McKeeth disclose an authorized prevention apparatus, but does not specifically teach wherein the password generator generates a renewed password in response to a request operation of making a call.

Hongwei discloses an apparatus wherein the password generator generates a renewed password in response to a request operation of making a call (column 1, line 61 – column 2, line 5 with column 13, lines 61 – column 14, line 28), to verify the password.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel in view of McKeeth's apparatus wherein the password generator generates a renewed password in response to a request

operation of making a call, as taught by Hongwei, for identification and access control (column 1, lines 4-18).

Regarding **claim 7**, Pathuel in view of McKeeth disclose an authorized prevention apparatus, but does not specifically teach wherein the password generator generates a renewed password in response to a request operation of making a call.

Hongwei discloses an apparatus wherein the password generator generates a renewed password in response to a request operation of making a call column 1, line 61 – column 2, line 5 with column 13, lines 61 – column 14, line 28),), to verify the password.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pathuel in view of McKeeth apparatus wherein the password generator generates a renewed password in response to a request operation of making a call, as taught by Hongwei, for identification and access control (column 1, lines 4-18).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/Jakieda R Jackson/
Examiner, Art Unit 2626
January 21, 2009